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EXAMINER

LUDWIG, MATTHEW J

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/731,080
Filing Date: December 09, 2003
Appellant(s): CRAGUN ET AL.

Randol W. Read
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 5/21/2007 appealing from the Office action mailed 12/21/2006.

(1) Real Party in Interest

A statement identifying the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6,956,593

GUPTA

11-1999

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Art Unit: 2178

Claims 1-4 and 6-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gupta, et al. (U.S. Patent 6,956,593 B1, filed September 15, 1999) [hereinafter "Gupta"].

Regarding independent claim 1, as amended, Gupta teaches:

A method for selecting an annotation structure for use in entering annotation data, comprising:

receiving a request from a user to create an annotation for at least one data object identified by a set of identifying parameters; and

retrieving, from a configuration file, information identifying at least one annotation structure associated with the at least one data object based, at least in part, on the set of identifying parameters and a role of the user, the annotation structure defining one or more annotation fields into which annotation data will be entered.

(See, Gupta, figure 5, element 222, and col. 2, lines 18-52, teaching receiving a request from a user to create an annotation. See also, Gupta, col. 9, lines 26-50, teaching identifying an object by identifying parameters. See also, Gupta, col. 13, lines 25-67, teaching retrieving from a configuration file information identifying an annotation structure associated with the data object based on the identifying parameters.

Specifically, the user is able to select, in an embodiment, a segment of a temporal object based on the timeline of the object. See, Gupta, figures 7-26, and col. 13, lines 11-40, teaching the "dialog box," which presents a plurality of annotation fields.

It is noted that the phrase "configuration file" is not found to be specially defined

Art Unit: 2178

in the specification. As is was known to one of ordinary skill in the art at the time of the invention, a "configuration file" was define as follows: "A file that contains machine-readable operating specifications for a piece of hardware or software or that contains information on another file or on a specific user, such as the user's logon ID." See, "Microsoft Computer Dictionary," fifth edition, Microsoft Press, 2002, definition of "configuration file." See, Gupta, figures 1-3, and col. 7, lines 5-44, teaching that the user is logged into the client at the time an annotation is created, and the user's meta data, control information, is maintained in "annotation meta data store 18." Gupta thereby teaches the "annotation meta data store 18" within the annotation server 10 as the configuration file.

The limitation of "retrieving . . . information, at least in part, on the set of identifying parameters and a role of the user," is taught in Gupta as the available media content such as "comments" or "questions" as identifying parameters, and "instructor," "assistant," or "student" as roles of the users. See, Gupta, col. 9, lines 15-25.

The limitation of "the annotation structure defining one or more annotation fields into which the annotation will be entered" is taught in Gupta as "annotation identifier field 194" which uniquely identifies a related annotations such that annotations may be entered in multiple media content, yet related in sets. See, Gupta, col. 9, lines 1-25.)

Art Unit: 2178

Regarding **dependent claim 2**, Gupta teaches:

The method of claim 1, further comprising generating a graphical user interface, based on the at least one annotation structure, for receiving annotation data entered by a user.

(See, Gupta, figures 7-26, and col. 13, lines 41-51, teaching the graphical user interface based on the annotation structure for receiving annotation data entered by a user.)

Regarding **dependent claim 3**, Gupta teaches:

The method of claim 1, wherein the set of identifying parameters comprises at least one parameter indicating a data source and at least one parameter indicating an annotatable data object within the data source.

(See, Gupta, figures 7, 11, 12, and 14, and col. 9, line 1 through col. 10, line 6, teaching identifying the data source and an annotatable data object within the data source, as the identification of the file and a time segment object within that file.)

Regarding **dependent claim 4**, Gupta teaches:

The method of claim 1, wherein the set of identifying parameters comprises at least one parameter indicating a data source subtype specifying a particular type of the data source.

(See, Gupta, col. 9, lines 26-50, teaching that multiple different streams of media may be identified and annotated.)

Art Unit: 2178

Regarding **dependent claim 6, as amended**, Gupta teaches:

The method of claim 1, wherein retrieving the information identifying the at least one annotation structure comprises searching the configuration file for information identifying one or more annotation structures associated with the set of identified parameters and the role of the user.

(See, Gupta, col. 15, line 66 through col. 16, line 14, teaching limiting access to annotation searches based on user read and write access rights.)

Regarding **independent claim 7, as amended**, Gupta teaches:

*A method for annotating a set of disparate data points, comprising:
receiving a request from a user to create an annotation for a specified set of disparate data points from different data sources;
determining if the disparate data points are of the same type;
if so, retrieving, from a configuration file, at least one annotation structure associated with the same type as the data points; and
generating, based on the annotation structure, an interface for entering annotation information to be associated with the specified set of data points.*

(See, Gupta, col. 7, line 40 through col. 8, line 19, teaching a variety of data points available to the user to select data for annotation, including, time line beginning and end, and audio and video signal tracking.

Gupta does not expressly teach determining if the data points are of the same type.

It would have been obvious to one of ordinary skill in the art at the time of the invention to check to see if the data points were of the same type, such as both point being time entries, or audio entries, or objects viewable in the display.

The suggestion or motivation for determining that the data points are the same type is for the obvious and beneficial purpose of ensuring that the object selected for annotation is one consistent object.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have specifically determined whether the data points were of the same type, as specified in claim 7.

Regarding **dependent claim 8**, Gupta teaches:

The method of claim 7, further comprising, if the data points are of differing types, retrieving, from a configuration file, at least one annotation structure associated with a set of data points of the same differing types.

(See, Gupta, col. 7, lines 45-58, teaching identification of annotation structures by differing data points of "time range" and "time units.")

Regarding **dependent claim 9**, Gupta teaches:

The method of claim 8, wherein retrieving the one or more annotation structures associated with the set of data points of the same differing types, comprises:

determining, for each differing type, if a number of data points in the specified set having that type falls within a range specified in the configuration file; and if so, retrieving an identification of one or more annotation structures associated with the set of data points of the same differing types.

(See, Gupta, col. 7, lines 45-58, teaching identification of annotation structures by differing data points of “time range” and “time units.” See also, Gupta, col. 13, lines 52-67, teaching identification of an annotation structure by the time range as defined by the time units from a begin time and an end time, with the time designations being differing types of data points.)

Regarding **dependent claim 10**, Gupta teaches:

The method of claim 7, wherein retrieving the one or more annotation structures comprises retrieving only annotation structures associated with a specified role of the user.

(See, Gupta, Figure 3, element 10 (“annotation server”), and col. 13, lines 1-10, and col. 15, line 66 through col. 16, line 14, teaching that the annotations may be structured according to individual read and write privileges.)

Regarding **independent claim 11, as amended**, Gupta teaches:

A computer-readable medium containing an executable component for selecting an annotation structure for use in generating a form for entering

Art Unit: 2178

annotation data which, when executed by a processor, performs operations comprising:

receiving a request from a user to create an annotation for at least one data point identified by a set of identifying parameters; and

retrieving, from a configuration file, information identifying at least one annotation structure associated with the at least one data point based, at least in part, on the set of identifying parameters and a role of the user, wherein the annotation structure defines one or more annotation fields into which the annotation will be entered.

(Claim 11 incorporates substantially similar subject matter as claimed in claim 1 and is rejected along the same rationale.)

Regarding **dependent claim 12**, Gupta teaches:

The computer-readable medium of claim 11, wherein retrieving the information identifying at least one annotation structure associated with the at least one data point is based, at least in part, on a credential of the user.

(See, Gupta, Figure 3, element 10 ("annotation server"), and col. 13, lines 1-10, and col. 15, line 66 through col. 16, line 14, teaching that the annotations may be structured according to individual read and write privileges.)

Art Unit: 2178

Regarding **dependent claim 13**, Gupta teaches:

The computer-readable medium of claim 12, wherein the credential of the user comprises an identified role of the user.

(It is noted that the credential of the user is defined in the disclosure as “including the user’s role, security level, associate user group, or the like. See, disclosure, paragraph [0076].

See, Gupta, Figure 3, element 10 (“annotation server”), and col. 13, lines 1-10, and col. 15, line 66 through col. 16, line 14, teaching that the annotations may be structured according to individual read and write privileges. See also, Gupta, col. 20, lines 13-32, teaching searching annotations by group, such as “student discussion.”)

Regarding **dependent claim 14**, Gupta teaches:

The computer-readable medium of claim 11, wherein the at least one data point comprises a plurality of data points.

(See, Gupta, col. 7, line 40 through col. 8, line 19, teaching that an annotation object may be defined by a variety of time segments, for example the object contained between seconds 5 and 6 is also contained between seconds 4 and 7, and likewise between seconds 3 and 8.)

Regarding **dependent claim 15**, Gupta teaches:

The computer-readable medium of claim 14, wherein the plurality of data points comprises data points from different data sources.

Art Unit: 2178

(See, Gupta, col. 1, lines 55-61, teaching that the “streaming media” of the invention is comprised of various types of sources such as audio and video.)

Regarding **dependent claim 16**, Gupta teaches:

The computer-readable medium of claim 14, wherein retrieving, from a configuration file, information identifying at least one annotation structure associated with the at least one data object comprises:

*determining if the plurality of data points are of differing types; and
if so, retrieving, from a configuration file, one or more annotation structures associated with a set of data points of the same differing types.*

(See, Gupta, col. 7, lines 45-58, teaching identification of annotation structures by differing data points of “time range” and “time units.” See also, Gupta, col. 13, lines 52-67, teaching identification of an annotation structure by the time range as defined by the time units from a begin time and an end time, with the time designations being differing types of data points.)

Regarding **dependent claim 17**, Gupta teaches:

The computer-readable medium of claim 16, wherein retrieving the one or more annotation structures, comprises:

determining, for each differing type, if a number of data points in the specified set having that type falls within a range specified in the configuration file; and

if so, retrieving an identification of one or more annotation structures associated with the set of data points of the same differing types.

(See, Gupta, col. 7, lines 45-58, teaching identification of annotation structures by differing data points of “time range” and “time units.” See also, Gupta, col. 13, lines 52-67, teaching identification of an annotation structure by the time range as defined by the time units from a begin time and an end time, with the time designations being differing types of data points.)

Regarding **independent claim 18, as amended**, Gupta teaches:

A system for creating annotations for data points contained in different type data sources, comprising:

a set of annotation structures, each specifying one or more annotation fields;

at least one configuration file associating annotation structures with sets of disparate annotatable data points contained in different type data sources; and

an annotation server configured to receive a request from a user to create an annotation for at least one data point identified by a set of identifying parameters and retrieve, from the configuration file, information identifying at least one annotation structure associated with the at least one data point based on the set of identifying parameters and a role of the user.

(See also, Gupta, figure 1, element 10 (“annotation server”), and figure 1, elements 17 and 18 storing the annotation structures, and col. 13, line 25 through col. 14, line 65,

Art Unit: 2178

teaching the “dialog box” connected to the annotation server to create configurations files associating annotation structures with sets of data points.

See also, Gupta, Figure 3, element 10 (“annotation server”), and col. 13, lines 1-10, and col. 15, line 66 through col. 16, line 14, teaching that the annotations may be structured according to individual read and write privileges.)

Regarding **dependent claim 19**, Gupta teaches:

The system of claim 18, wherein the at least one data point comprises a plurality of data points from at least two different data sources.

(See, Gupta, col. 1, lines 55-61, teaching that the “streaming media” of the invention is comprised of various types of sources such as audio and video.)

Regarding **dependent claim 20**, Gupta teaches:

The system of claim 18, wherein the at least one configuration file comprises:

at least one point map associating one or more annotation structures with a data point of a single type; and

at least one disparate point set map associating one or more annotation structures with a set of data points, wherein the set of data points comprises at least two different type data points.

(Claim 20 incorporates substantially similar subject matter as claimed in claim 1 and, in further view of the following is rejected along the same rationale. See, Gupta, col. 7,

Art Unit: 2178

line 40 through col. 8, line 19, teaching a variety of data points available to the user to select data for annotation, including, time line beginning and end, and audio and video signal tracking.)

(10) Response to Argument

Regarding the rejections of independent claims 1, 11, and 18, appellant argues that the reference, Gupta, “does not teach, show or suggest retrieving, from a configuration file, information from at least one annotation structure associated with the at least one data object based, at least in part, on the set of identifying parameters and a role of the user, the annotation structure defining one or more annotation fields into which the annotation will be entered.” See, Response, page 14.

The Examiner strongly disagrees with the appellant and notes that the phrase “configuration file” is not found to be specially defined in the specification. As was known to one of ordinary skill in the art at the time of the invention, a “configuration file” was define as follows: “A file that contains machine-readable operating specifications for a piece of hardware or software or that contains information on another file or on a specific user, such as the user’s logon ID.” See, “Microsoft Computer Dictionary,” fifth edition, Microsoft Press, 2002, definition of “configuration file.” See, Gupta, figures 1-3, and col. 7, lines 5-44, teaching that the user is logged into the client at the time an annotation is created, and the user’s meta data, control information, is maintained in “annotation meta data store 18.” Gupta thereby teaches the “annotation meta data store 18” within the annotation server 10 as the configuration file.

The limitation of “retrieving . . . information, at least in part, on the set of identifying parameters and a role of the user,” is taught in Gupta as the available media content such as “comments” or “questions” as identifying parameters, and “instructor,” “assistant,” or “student” as roles of the users. See, Gupta, col. 9, lines 15-25.

The limitation of “the annotation structure defining one or more annotation fields into which the annotation will be entered” is taught in Gupta as “annotation identifier field 194” which uniquely identifies a related annotations such that annotations may be entered in multiple media content, yet related in sets. See, Gupta, col. 9, lines 1-25.

Regarding the rejection of dependent claim 7, appellant argues that the reference, Gupta, “does not disclose receiving a request from a user to create an annotation for a specified set of disparate data points from different data sources, determining if the disparate data points are of the same type, if so, retrieving, from a configuration file, at least one annotation structure associated with the same type as the data points; and generating, based on the annotation structure, an interface for entering annotation information to be associated with the specified set of data points.”

Appellant argues that Gupta “ does not disclose data points from different sources.” See, Response, page 16.

The Examiner strongly disagrees and notes that the phrase “data points” is not found to be defined in the specification. In response to the 35 U.S.C. 112, first paragraph rejection in the Non-Final Office Action, which was filed July 12, 2006, Applicants stated that “data points” were disclosed in the disclosure at paragraph

[0052]. It is noted that paragraph [0052] discusses the term “point” and “annotatable points,” but not “data points” specifically. Upon examination of the specification, and the claims, and Applicants’ response to the 112, first paragraph, rejection based on the meaning of the phrase “data points,” the Examiner concludes that the element described by the phrase “annotatable points” in the specification is the same element as described by the phrase “data points” in the claims.

As defined in the specification, a “data point,” being the same as an “annotatable point” is defined as being points capable of being annotated. See, disclosure, paragraph [0052]. Further, “points” that are capable of being annotated are defined as follows: “the term point may generally refer to any identifiable data unit (or group of data units) capable of being annotated.” See, disclosure, paragraph [0052].

See, Gupta, col. 9, lines 15-25, teaching that annotations may extend across multiple media thereby teaching that the annotations may be associated with “data points” of different media or multiple data points of a single media.

Appellant argues that Gupta does not disclose, “generating, based on the annotation structure, and interface for entering annotation information to be associated with the specified set of data points.” Gupta, figures 6-26, and col. 11, line 36 through col. 24, line 18, teaches several interfaces for entering annotation information to be associated with a specified set of data points, based on the annotation structure. It is noted that the annotation structure is taught as varying whether the annotation is text or is discussion associated with the text. See, Gupta, figures 6-23. It is further noted that Gupta teaches the multiple data points as a “set” of annotations. See, Gupta, col. 9,

Art Unit: 2178

lines 15-25, and col. 15, line 64 through col. 16, line 14, teaching the annotation set list.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

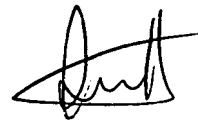
Respectfully submitted,




Matthew Ludwig

Assistant Patent Examiner

September 4, 2007

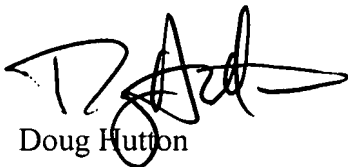


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